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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,609	11/04/2004	Kenichiro Aridome	258782US6PCT	7461
22850	7590	04/30/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NEGRON, WANDA M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 04/30/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/511,609	<b>Applicant(s)</b> ARIDOME ET AL.	
	<b>Examiner</b> WANDA M. NEGRON	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 30-37 and 39-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 30-37 and 39-51 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because it does not end with a period. Appropriate correction is required.

### ***Response to Arguments***

Applicant's arguments filed on February 2, 2009 have been fully considered but they are not persuasive.

Applicant asserts on page 3 that Tahara does not teach management information, which is used in a decoding/reproduction process for decoding and reproducing said time-series information, and additional information, which includes a predetermined condition when said time information is retrieved, being recorded in a logical or physical position next to each other. However, the examiner maintains that Tahara teaches management information and additional information being in a logical or physical position next to each other (see in figure 26 a logical succession indicated by the direction of the arrows wherein the schematic diagram is a representation of the data structure of an MPEG encoded stream, and wherein block 242 representing, *inter alia*, a PTS bit string is followed by block 243 representing an ancillary data bit string). It is noted that the examiner cannot ascertain the relevance of applicant's remarks regarding figure 31 since figure 31 describes the configuration of the MPEG decoder which does not perform a recording process.

Regarding applicant's remarks that figure 15 shows "the precise data syntax of the user data 240" and that it "clearly shows that bit string 06 Video Index is positioned between bit string 05 Picture Order and bit string 07 Ancillary data", the examiner would like to point applicant's attention to figure 14, which describes the syntax of user\_data() 240. The bit string corresponding to Video Index is not described as part of the syntax of user\_data() 240 shown in figure 14. It is noted, as pointed out in the previous Office action, that figure 15 actually describes the bit string that corresponds to the different data types, and not an encoding order, *i.e.*, figure 15 only describes the specific Data\_ID that describes the appropriate data element (see col. 17, line 66 through col. 18, line 5, and figures 16-18, 20 and 21 wherein the Data\_ID field for different data elements is shown). A more detailed explanation of some Data\_ID values and how they are only relevant to describe the appropriate data elements is found in, *e.g.*, col. 16, lines 16-18 and 20-22 for the Picture\_Order element, and col. 16, lines 58-60 and col. 17, lines 1-2 for the Ancillary\_data element.

It is noted that the term "the examiner's position" used in the previous Office action was not a ground of rejection of any claim, but part of the response to applicant's arguments wherein the examiner pointed out where in Tahara applicant could find support for the examiner statement that the encoding order was not described in figure 15, as opposed to applicant's statement that figure 15 shows "the precise data syntax of the user data 240" and that it "clearly shows that bit string 06 Video Index is positioned between bit string 05 Picture Order and bit string 07 Ancillary data". For clarification purposes, a more specific description of where in Tahara applicant can find an example

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of how the Data\_ID is used for representing corresponding data elements (not as an encoding order) has been provided above. It is also noted that applicant has not provided any support for the statement that figure 15 describes "the precise data syntax of user data 240". The examiner would like to point out that the description of figure 15 (see col. 5, line 5) simply states that the drawing "is a schematic diagram showing the syntax of a data ID".

In addition, it is noted that the application as filed does not disclose a particular meaning for the term "logical", and it has been reasonably interpreted by the examiner, in contrast with the term "physical", as pertaining to a logical viewpoint wherein the management information and additional information (*i.e.*, elements of Picture\_Order() 242 and elements of Ancillary\_data() 243) are described using the same function (*i.e.*, user\_data() 240; see column 14, lines 56-61 and figure 26) as opposed to a physical implementation. The concept of having management information and additional information recorded in a logical or physical position next to each other is shown in the "easy-to-understand form" of "the data structure of an MPEG encoded stream" described in figure 26 wherein block 242 is placed next to block 243, and wherein both blocks correspond to block 240.

For the foregoing reasons, the rejection is still deemed proper and has been maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tahara et al. (WO00/46989).**

The rejections applied to claims 30 and 31 in the previous Office action mailed on October 1, 2008 are herein repeated for the same reasons (see Response to Arguments).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-16, 18, 32-37 and 39-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tahara et al. (WO00/46989), hereinafter referred to as Tahara, further in view of applicant's admitted prior art.**

The rejections applied to claims 1-16, 18, 32-37 and 39-51 in the previous Office action mailed on October 1, 2008 are herein repeated for the same reasons (see Response to Arguments).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622

April 23, 2009

/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2622